

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. Claims 10-14, 21, 29-35 and 44-56 were rejected in the office action. Claim 15-20 and 22-28 were objected to and claims 37-43 were allowed. Claims 10, 11, 16-18, 23-28 and 36 have been amended. Claims 15 and 21 have been canceled and claims 57-64 have been added. Therefore, following entry of the present response, claims 10-14, 16-20, and 22-64 will be pending in the present application.

The Examiner is respectfully asked to initial and consider the patentability of the present invention in light of the newly-cited references submitted herewith in the Supplemental Information Disclosure Statement (SIDS). The Examiner is also respectfully asked to initial and consider the patentability of the present invention in light of the Supplemental Information Disclosure Statement (SIDS) filed July 17, 2002.

This application claims priority under 35 U.S.C. § 119(e) from provisional application no. 60/197,615, filed April 14, 2000. Examiner is respectfully requested to acknowledge priority under 35 U.S.C. § 119(e) in the next communication.

Formal drawings were filed with the application on April 16, 2001. Examiner is respectfully requested to acknowledge receipt and acceptance of the drawings as formal.

Claims 10, 13, 14, 21, 29-32, 34, 44, 47, 48 and 52-56 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Pat No. 6,300,881 to Yee et al. ("Yee"). Claims 11, 12, 45, 49, and 60 were rejected under 35 U.S.C. §

103(a) as being unpatentable over Yee in view of U.S. Pat. No. 4,642,607 to Strom et al. ("Strom"). Claim 33, 46, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yee in view of U.S. Pat. No. 6,480,510 to Binder ("Binder").

Briefly, in one embodiment, the present invention contemplates a method of communicating data signals over a medium voltage power line. The invention includes a transformer bypass device that communicates data from a low voltage power line to a medium voltage power line (for upstream communications). At a different location, the data is received via the medium voltage power line by an aggregation device that communicates the data to a point of presence. Numerous transformer bypass devices may be in communication with one aggregation device. Data may also flow in the downstream direction.

The office action alleges, *inter alia*, that Yee teaches communicating data signals over a medium voltage power line. (*Office Action dated October 2, 2003* at pp. 2-3). However, Yee discloses only that the data travels from the customer residences 45 to the local node 40 via power lines that run to the customer residence from the transformer. (Yee - Figure 2 and col. 4, lines 39-62). Applicant respectfully submits that such power lines are low voltage power lines – not medium voltage power lines as disclosed in the claims. (*Specification* - Figure 1 and paragraph 3). Therefore, Yee does not teach or suggest the present invention.

Claims 10, 13, 14, 21, 29-32, 34, 44, 47, 48, and 52-56 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Yee. Claim 15, which is

dependent from claim 10, was objected to but indicated as allowable if rewritten in independent form. By amendment herein, claim 15 has been cancelled and the limitations of claim 15 have been incorporated into independent claim 10. Consequently, applicant respectfully asserts that independent claim 10 is patentable over Yee and in condition for allowance. Likewise, applicant respectfully asserts that claims 11-14, 16-21, and 23-27, which depend from independent and amended claim 10 are also in condition for allowance.

Independent claims 29, 47, 52, and 54 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Yee. These claims recite communication over the medium voltage power line. As discussed, Yee, in contrast, communicates via the low voltage power lines to the local node, which – instead of communicating over the medium power line – communicates via a wireless link. Thus, Yee fails to disclose communicating over a medium voltage power line as recited in the claims. Consequently, applicant respectfully asserts that independent claims 29, 47, 52, and 54 are patentable over Yee and in condition for allowance. Likewise, applicant respectfully asserts that claims 30-35, 48-51, 53 and 55-56, which depend from claims 29, 47, 52, and 54, respectively, also are in condition for allowance.

The office action indicates that claims 37-43 are allowed. However, these claims are dependent from independent claim 36, which the office action does not appear to address. In the interest of expediting allowance of the claims, claim 37 has been canceled and the limitations of claim 37 have been incorporated into its independent claim 36. Consequently, applicant respectfully

asserts that independent claim 36, as amended, is in condition for allowance. As discussed, the office action indicates that claims 38-43, which depend from claim 36, are in condition for allowance.

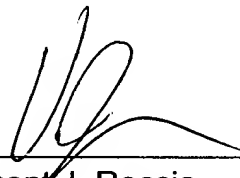
Applicant has added dependent claims 57-64, which depend from amended independent claim 36. Because amended independent claim 36 is allowable (as discussed above), new claims 57-64, which depend from claim 36 should also be considered allowable. Accordingly, applicant respectfully asserts that claims 57-64 are in condition for allowance.

CONCLUSION

In view of the foregoing, applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance.

Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

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